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11 \*Attorney for Defendant Brian Melendrez

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 United States of America,

15 Plaintiff,

16 v.

17 Brian Melendrez,

18 Defendant.

Case No. 2:22-mj-00461-BNW

**Stipulation and Proposed Order**

**Stipulation**

19 Mr. Melendrez was charged by complaint with two counts: (1) Operating a  
20 Motor Vehicle while Under the Influence of Alcohol (a violation of 36 C.F.R. §  
21 4.23(a)(1)) and (2) Operating a Motor Vehicle with a BAC of 0.08 Grams and Higher  
22 (a violation of 36 C.F.R. § 4.23(a)(2)). (ECF No. 1.)

23 Mr. Melendrez entered a plea agreement, pleaded guilty to Count One, and  
24 was sentenced as follows: "Defendant is sentenced to a term of 12 months  
25 unsupervised probation with the following special conditions: Defendant must  
26 complete DUI School with Victim Impact Panel, complete 40 hours of community  
27 service, must pay fines totaling \$760.00 to the Clerk's Office, shall have no adverse

contact with law enforcement, and is restricted from Lake Mead National  
Recreational Area for a period of 12 months beginning immediately. Remaining  
count is DISMISSED. Additionally, If the Defendant completes his sentencing  
obligations within 12 months of sentencing date, the Court will allow Defendant to  
withdraw the current guilty plea to Count 1: Operating Motor Vehicle Under the  
Influence and enter a plea of guilty to an Amended Count 1: Reckless Driving.”  
(ECF No. 17.)

Mr. Melendrez now has completed the special conditions of his unsupervised  
probation. Accordingly, the parties jointly request that the Court allow Mr.  
Melendrez to withdraw his guilty plea to Count One (Operating a Motor Vehicle  
Under the Influence) and enter a plea of guilty to an Amended Count One: Reckless  
Driving.

Dated February 20, 2024.

Respectfully submitted,

Rene L. Valladares  
Federal Public Defender

Jason Frierson  
United States Attorney

/s/ Rick Mula

/s/ Imani Dixon

Rick Mula  
Assistant Federal Public Defender

Imani Dixon  
Assistant United States Attorney

**Proposed Order**

Based on the representations of counsel, the Court finds that Mr. Melendrez has completed the requirements of his unsupervised probation in accordance with his plea agreement and sentence.

IT IS THEREFORE ORDERED that Mr. Melendrez is permitted to withdraw his guilty plea to Count One: Operating a Motor Vehicle Under the Influence.

IT IS FURTHER ORDERED that the Court, consistent with the plea agreement and sentence, enters a plea of guilty to Amended Count One: Reckless Driving.

IT IS FURTHER ORDERED that the status conference set for March 22, 2024, at 9:30 AM is vacated.

IT IS FURTHER ORDERED that the Clerk of the Court enter judgment and close this case.

DATED this 21 day of February, 2024.

  
UNITED STATES MAGISTRATE JUDGE